



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

April 24, 2009

Mr. Steve Potter
Regional Facilities Manager
Jack in the Box
100 N. Baranca St., Suite 200
West Covina, CA 91791

VIA FACSIMILE AND MAIL

**NOTICE OF VIOLATION – JACK IN THE BOX, NO.160, 23017 PACIFIC COAST HIGHWAY,
MALIBU, CA (ORDER NO. 97-10 DWQ, CI – 8710, FILE NO. 01-132)**

Dear Mr. Potter:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the property referenced above.

Violation of Waste Discharge Requirements

You are subject to Order No. 97-10 DWQ in which the Regional Board specifies waste discharge requirements for discharges from your septic system. Under Monitoring and Reporting Program No. CI -8710, which is part of Order No. 97-10-DWQ, you are required to self monitor your discharge and to submit monitoring reports at regular intervals.

You are hereby notified that you are in violation of waste discharge requirements specified in Board Order No. 97-10 DWQ, as follows:

• **Failure to Submit Monitoring Reports:**

The Regional Board has not received the following monitoring reports as shown in the table below:

Monitoring Period	Report Due
1 st Quarter 2004	April 15, 2004
2 nd Quarter 2004	July 15, 2004
3 rd Quarter 2004	October 15, 2004
4 th Quarter 2004	January 15, 2005
Annual 2004	April 15, 2005
1 st Quarter 2005	April 15, 2005
2 nd Quarter 2005	July 15, 2005
3 rd Quarter 2005	October 15, 2005

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Monitoring Period	Report Due
4 th Quarter 2005	January 15, 2006
Annual 2005	April 15, 2006
1 st Quarter 2006	April 15, 2006
2 nd Quarter 2006	July 15, 2006
3 rd Quarter 2006	October 15, 2006
4 th Quarter 2006	January 15, 2007
Annual 2006	April 15, 2007
1 st Quarter 2007	April 15, 2007
2 nd Quarter 2007	July 15, 2006
3 rd Quarter 2007	October 15, 2006
4 th Quarter 2007	January 15, 2008
Annual 2007	April 15, 2008
1 st Quarter 2008	April 15, 2008
2 nd Quarter 2008	July 15, 2008
3 rd Quarter 2008	October 15, 2008
4 th Quarter 2008	January 15, 2009
Annual 2008	April 15, 2009

- **Failure to Report All Pertinent Information Prior to Modifying the Facility**

On April 24, 2004, the Discharger failed to submit in writing to the Regional Board all pertinent information prior to the modification of the facility as specified in Provision No. 1 (c) under Order No. 97-10 DWQ.

You are required to comply immediately with the following:

1. Immediately implement corrective and preventative actions to bring your discharge into full compliance with Order No. 07-10-DWQ.
2. Submit, by **May 25, 2009**, a report detailing the corrective and preventive actions taken to come into full compliance with Board Order No. 97-10 DWQ.

Pursuant to California Water Code §13350 (e), you are subject to penalties of up to \$5,000 for each day in which each violation occurs or \$10 for each gallon of waste discharged, but not both. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board may request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request that the United States Attorney, appropriate County District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.


Mr. Steve Potter
Jack in the Box

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April 24, 2009

If you have any questions please call Project Manager, Ms. Dionisia Rodriguez, at (213) 620-6122 or Unit Chief of Groundwater Permitting, Dr. Rebecca Chou, at (213) 620-6156 regarding this matter.

Sincerely,


Tracy J. Egoscue
Executive Officer

cc: Mr. Jim Thorsen, City Manager, City of Malibu
Mr. Craig George, Division Manager of Building and Safety, City of Malibu
Mr. Patrick Nejadian, Department of Health Services, Los Angeles County
Mr. David Pedersen, Department of Public Works, Los Angeles County

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